Comegie Endowment for International Peace

ON CONTRACT OF THE PROPERTY OF THE LAW

Famplifet 26: 81

THE TANGUE DECLARATION (IV, 2) OF 1999.
CONCERNING ASPICKLATING GASES

THE MEN HE STANDING TO STREET THE STREET THE

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Division of International Lav

PAMPHLET SERIES

- No. 1 Arbitrations and Diplomatic Settlements of the Charles States.
- No. 2 Limits ion of Arma, int on the Great Lakes. The Prince of Jun W. Foster, Secretary of State, December 7, 18
- No. 3 SIGNATURE, RATIFICATIONS, AD IES ONS AND RESP VATION.

 CONVENTIONS AND DICLARATIONS OF THE FIRST AND HAGUE PLACE CONFERENCES.
- No. 4 The Hague Conventions of 1899 (I) and 1907 (I)
 Pachi. Stilement of International Disput.
- No. 5 THE HAGUE CONVENTIONS OF 1899 (II) AND 1907 (IV) J ING THE LAWS AND CUSTOMS OF WAR ON L. ND.
- No. 6 THE HOGGE CONVECTIONS OF 1899 (III) AND 1907 (X)

 AD CENTRO MARITIME WARE OF THE PET IT.

 GENEVA CONVENTION.
- No. 7 THE H. GUE DECLARATIONS OF 1809 (IV, 1) AND 1907 X V.
 HIJ TING THE DISCHARGE OF PROJECULES AND FARL I
 BALLOON'S.
- No. 8 THE HAGUE DOCLARATION (IV. 2) OF 1899 CONCER ING AS THE TING GASES.
- No. 9 THE HAGO DELLERATION (IV. 3) on 185 co co 10
- No. 10 The Final Acts of the First and Second Ferences, edgether with the Diart Con at Judicial Arbitration Court.
- NO 11 THE HAGUE CONFERON (II) OF 1907 REPECTING THE CONFERON OF THE ROLL OF TRACE DEETS.
- No. 12 The Hague Convention (III) of 1907 pelative T.L. O 1907 of Hostil tips.
- No. 13 The Hagee-Convention (V) of 1907 See Ting Rider of Neutral Powers and Persons in on Land.
- No. 14 THE HAGUE CONCENTION (VI) OF 1907 1 4 1 G I F ENERGY MERCHANT SULVE IF THE HOSPILITIES
- No. 15 THE HATE CONVETION (VII) OF 11.7 RETURN OF WERSTON OF WERCHART SHIPS IN I WAP STOLE.
- No. 16 TET HACLE CONCENTION (VIII (1907 A 1) OF AUTOMATIC SUBMATINE CONTICT MILES
- No. 17 THE HACLE CONVENTION (IX) O 1907 INCE
- No. 18 Tree Hagne Convintion (XI) 1907 S. STRICTIONS WITH REGARD TO THE MENTING CAPTURE IN NAVAL W.R.
- No. 19 THE HAGE CONVENTION 2.1) OF 1907 TO THE OF AN I VER ANIONAL PURE COURT.
- No 20 To E HACT CONVERTON XI O 190° C AND DUT TO NOTHER OR L. N. L.

The per phi t. in this river reliable to the interpretation of the realism of the per phi to the

Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

Pamphlet No. 8

THE HAGUE DECLARATION (IV, 2) OF 1899 CONCERNING ASPHYXIATING GASES

PUBLISHED BY THE ENDOWMENT WASHINGTON, D. C.
. 1915



Preface

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and particularly because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers now at war are bound by their provisions.

The first pamphlet of this series (No. 3 of the pamphlet series of the Division of International Law) contains the respective Tables of Signatures, Ratifications, Adhesions and Reservations of the Conventions and Declarations of the two Conferences. The compilation has been made from official sources, and the tables have been certified as accurate by the Department of State of the United States. In all cases the reservations contained in the procès-verbaux, but only referred to in the official tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where their texts appear. Without the complete text of a reservation it is impossible to know to what extent a Power is bound by a Convention or Declaration.

The Conventions and Declarations, as the case may be, of the two Conferences, are printed separately in the succeeding numbers of the pamphlets, accompanied by the respective lists of countries which have (a) ratified, or (b) adhered to, or (c) signed but not ratified them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations, as indicated above respecting the pamphlet containing the Tables of Signatures, Ratifications, etc. (No. 3). The English translations of the original French texts of the several Conventions, Declarations and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected. Marginal notes have been added to facilitate reference.

Inasmuch as most of the Conventions and Declarations of the Conferences concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers, there is appended a list of the countries now at war and the dates of the formal declarations or announcements of the existence of a state of war.

It should be noted that the Conventions and Declarations are not binding prior to the deposit of ratifications at The Hague. The mere signature of these conventional agreements may be regarded as the indication of an intention to ratify them, but creates no legal obligation. Adhesion has the effect of ratification. In this relation it is proper to remark that only the formal agreements of the Conferences—such as the Conventions and the signed Declarations—contemplate ratification. The informal agreements—such as the unsigned Declarations, Resolutions, Recommendations, and $V\alpha ux$ —are not signed separately. They are contained in the Final Act, which is an official summary of the proceedings of each Conference, and as such is signed.

A word should be said about the additional protocol to the Convention for an International Prize Court. It was not agreed upon at the Second Hague Conference, but was subsequently negotiated in order to remove objections to the Prize Court Convention. The signatures to it are indicated in the last column of the table of signatures of the Second Conference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as Procès-verbaux, those of the Second as Actes et documents. The full titles of the publications are respectively: (1) Conférence internationale de la paix. La Haye, 18 mai-29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907; (2) Deuxième conférence internationale de la paix. La Haye, 15 juin-18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.

James Brown Scott, Director of the Division of International Law.

Washington, D. C., December 23, 1914.

DECLARATION (IV, 2) CONCERNING ASPHYXIATING GASES

Signed at The Hague, July 29, 1899

The undersigned, plenipotentiaries of the Powers represented at the Preamble. International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The contracting Powers agree to abstain from the use of projectiles Abstention from the sole object of which is the diffusion of asphyxiating or deleterious gases.

use of projectiles diffusing asphyxiating gases.

The present Declaration is only binding on the contracting Powers Powers bound. in the case of a war between two or more of them.

It shall cease to be binding from the time when, in a war between Exemption. the contracting Powers, one of the belligerents shall be joined by a non-contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

Ratification. Deposit at The Hague. Notification to Powers.

A procès-verbal shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

Adhesion.

The non-signatory Powers can adhere to the present Declaration. For this purpose they must make their adhesion known to the contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other contracting Powers.

In the event of one of the high contracting Parties denouncing Denunciation. the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Government of the Netherlands, and forthwith communicated by it to all the other contracting Powers.

Notifying Power only affected.

This denunciation shall only affect the notifying Power.

Signing.

In faith of which the plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Deposit of original.

Certified copies to Powers.

Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be sent by the diplomatic channel to the contracting Powers.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Declaration was *ratified* by all the signatory Powers on the dates indicated:

| Austria-Hungary September 4, 190 | 0 |
|---|---|
| Belgium September 4, 190 | |
| Bulgaria September 4, 190 | 0 |
| China November 21, 190 | |
| Denmark | Ю |
| France | 0 |
| Germany | Ю |
| Greece | 1 |
| Italy September 4, 190 | Ю |
| Japan October 6, 190 | |
| Luxemburg July 12, 190 | |
| Mexico | |
| Montenegro October 16, 190 | 0 |
| Netherlands September 4, 190 | |
| Norway(See Sweden and Norway. |) |
| Persia September 4, 190 | |
| Portugal | |
| Roumania | |
| Russia | |
| Servia | |
| Siam September 4, 190 | |
| Spain September 4, 190 | |
| Sweden and NorwaySeptember 4, 190 | 0 |
| Switzerland | Ю |
| Turkey June 12, 190 | |
| Adhesions: | |
| Great Britain | 7 |
| Nicaragua October 11, 190 | 7 |
| Transfer of the second | |

Reservations: none.

5 (I) R PUMICATIONS OF THE CARNELIS ENDOWMENT FOR INTERN TIONAL PEACE

1 BOIL FR MIL

101 Binc - 1922

10 3-191

Illuion of Intercourse and Eduction:

- DO C. A OTOTO ERVATORS DE AND PUT 191. Ly l'R. C. A LES W. ELIOT.
- L Program N 191'. By P OFESSO 11.
- Y OF A THEORY IS ENCIRED IN VIOLENTAL BY D. HATTIN W.
 - O I NI NA COULTON TO ILQUITATO THE A (O CO TO TO THE PAR N WA...
 - CALANCET I. RAD. S BEVILLEN. BY D

The lie tie she isshed a unitously by the indoverent and the lie tie to the Sheet arv, if the on Place, Washin

